

THE HON'BLE SRI JUSTICE

GODA RAGHURAM

THURSDAY, THE 05TH DAY OF JANUARY, 2006

W.P.No. 18673 of 2004

Between:-

Sree Renuka Sugars Ltd., rep., by its Law Officer Sri Prasanth Bhadale.

--Petitioner

And

The Chairman-cum-Presiding Officer, Industrial Tribunal-cum-Labour Court,
Ananthapur and seventeen (17) others.

--Respondents

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Oral order:-

Heard the learned counsel appearing for the parties.

The writ petition is filed assailing the order dated 03-09-2004 of the Industrial Tribunal-cum-Labour Court, Anantapur, declining the prayer of the writ petitioner – respondent in M.P.Nos. 31, 32, 89 and 96 of 2000.

The respondent Nos. 2 to 18 herein had filed applications under Section 33-C (2) of the Industrial Disputes Act, 1947 (for short 'the Act') claiming difference of wages for the seasonal period i.e., cane crushing period and retention allowance for the off season period. The writ petitioner objected to the territorial jurisdiction of the Industrial Tribunal-cum-Labour Court, Anantapur on the ground that the sugar factory was located at Belgaum, Karnataka State and desired that the issue of territorial jurisdiction be decided as a 'preliminary issue'. Rejecting this request of the petitioner, the Labour Court held that it is neither pragmatic nor desirable that issues regarding jurisdiction or maintainability, be decided as a preliminary issue, as such a course would interminably protract adjudication of the substantive issues. Assailing this decision of the Labour Court, Ananthapur, the writ petition is filed.

In ***D.P. Maheshwari v Delhi Administration*** ⁽¹⁾, the Supreme Court deprecated the strategies adopted by employers of raising several preliminary objections, inviting decision on such objections in the first instance and carrying on litigation on the decisions on preliminary objections to the High Court and beyond thus delaying the substantive adjudication of the disputes, particularly pertaining to industrial disputes. The Supreme Court held that such delays lead to misery, jeopardize, industrial peace and observed that *inter alia*, the jurisdiction of the High Court under Article 226 of the Constitution may not be allowed to be exploited by those who can well

afford to wait to the detriment of those who can ill-afford to wait, by dragging the latter from court to court for adjudication of peripheral issues avoiding decisions on issues more vital to them.

In any event, the issue whether the Labour Court, Ananthapur, has jurisdiction to adjudicate upon the disputes presented to it by the party respondents herein in their applications under Section 33-C (2) of the Act is mixed question of fact and law involving also a consideration whether the writ petitioner's unit was formally and legitimately transferred to Belgaum, Karnataka State and such other factual matters.

This court finds no infirmity in the impugned order. The writ petition is accordingly dismissed. In the circumstances of the case no order as to costs.

GODA RAGHURAM, J

05-01-2006

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